

AMENDED IN SENATE JUNE 29, 1999
AMENDED IN ASSEMBLY MARCH 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 403

Introduced by Assembly Member Romero
(Coauthors: Assembly Members Davis, *Honda*, Keeley, Knox,
Kuehl, Pescetti, Scott, Steinberg, *Strom-Martin*, and
Thomson)
(Coauthors: Senators Bowen, Chesbro, Hayden, and Solis)

February 12, 1999

An act to add Section 6228 to the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Romero. Domestic violence.

Existing law establishes procedures for the prevention of domestic violence and provides both civil and criminal sanctions for acts of domestic violence.

This bill, ~~the Access to Domestic Violence Reports Act of 1999~~, would require each state and local law enforcement agency to, ~~without delay~~, provide, *as specified*, a copy of a report relating to an incident of domestic violence to a victim of the domestic violence when the victim requests a copy, thereby imposing a state-mandated local program. The bill would prohibit any fee for one copy and would ~~require certain identifying information to be deleted~~ *apply to requests made within 5 years of the date of the report*.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6228 is added to the Family
2 Code, to read:
3 6228. (a) Each state and local law enforcement
4 ~~agency shall, without delay, provide a copy of a report~~
5 ~~relating to an incident of domestic violence to a victim of~~
6 ~~the domestic violence when the victim requests a copy.~~
7 ~~Requests made in person shall be honored at the time~~
8 ~~they are made. agency shall make available to a victim~~
9 ~~one copy of a domestic violence incident report during~~
10 ~~regular business hours no later than two working days~~
11 ~~after being requested by the victim, unless the law~~
12 ~~enforcement agency, for good cause and in writing,~~
13 ~~informs the victim of the reasons why the report is not~~
14 ~~available in a particular case, in which case the report~~
15 ~~shall be made available to the victim no later than 10 days~~
16 ~~after the request is made.~~
17 (b) There shall be no fee charged for the provision of
18 one copy of any report relating to an incident of domestic
19 violence.
20 (c) ~~The address and telephone number of the victim~~
21 ~~and the names, addresses, and telephone numbers of all~~
22 ~~witnesses shall be deleted from any report provided~~
23 ~~under this section.~~

1 ~~(d) This section shall be known and may be cited as the~~
2 ~~“Access to Domestic Violence Reports Act of 1999.”~~

3 (c) *This section shall apply to requests made within*
4 *five years of the date of the report relating to an incident*
5 *of domestic violence.*

6 SEC. 2. Notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains costs mandated by the
9 state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

